

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

DR. THOMAS M. EDSALL, and
GRISEL EDSALL,
Plaintiffs,

v.

ASSUMPTION COLLEGE,
DR. THOMAS R. PLOUGH,
DR. JOSEPH F. GOWER, and
DR. JOHN F. McCLYMER
Defendants.

Civil Action
No. 04-40106-FDS

AFFIDAVIT OF KARIM H. KAMAL

I, Karim H. Kamal, Esq., under oath, depose and state as follows:

1. I am co-counsel to Plaintiffs in the within matter. I have been licensed to practice law within the State of New York since 1993. By motion, I was permitted to serve as counsel to Plaintiffs in this matter *pro hac vice*.

2. I submit the within affidavit in opposition to Defendants' motion to amend their answer to include an additional affirmative defense and Defendants' motion to amend motion to dismiss to include an additional affirmative defense.

3. On or about October 8, 2003, I caused a Complaint to be filed on behalf of Complainant Dr. Thomas M. Edsall with the

Massachusetts Commission Against Discrimination with regard to the subject matter of the within action.

4. On or about December 24, 2003, Attorney Douglas Seaver, counsel to the Defendants in this matter, entered an appearance at the MCAD.

5. On February 12, 2004, at the suggestion of Attorney Seaver, the within dispute was the subject of a mediation before Hon. Patrick King at JAMS in Boston, Massachusetts. The mediation did not result in a resolution of the within matter.

6. To my recollection, at no time during the MCAD or EEOC proceedings did the Defendants raise any issue regarding the failure of Dr. Edsall to exhaust his administrative remedies.

Signed under the pains and penalties of perjury this 23rd day of September, 2004.


Karim H. Kamal

CERTIFICATE OF SERVICE

I, Paul J. Klehm, hereby certify that I forwarded a copy of the within document to Douglas F. Seaver, counsel to Defendants, Hinckley, Allen & Snyder LLP, 28 State Street, Boston, MA 02109-1775, by first class mail, postage pre-paid on September 23, 2004.


Paul J. Klehm